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10/749,125	12/30/2003	Gregory D. Swedberg	MS1-1750US	3301
22801	7590	05/13/2008	EXAMINER	
LEE & HAYES PLLC			AUGUSTINE, NICHOLAS	
421 W RIVERSIDE AVENUE SUITE 500				
SPOKANE, WA 99201			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/749,125	SWEDBERG ET AL.
	Examiner	Art Unit
	NICHOLAS AUGUSTINE	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 January 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,2,6,8-13 and 15-32 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-2,6,8-13 and 15-32 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

A. This action is in response to the following communications: Amendment filed: 01/24/2008. This action is made **Final**.

B. Claims 1-2, 6, 8-13 and 15-32 remain pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 6, 8-13 and 15-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Gershony et al. (US 6,549,218), herein referred to as “Gershony”.

As claim 1, Gershony teaches a system, embedded at least in part on tangible computer readable medium for enabling interoperability between two graphics technologies (col. 2, lines 44-55), comprising: a first graphics system configured to render window content in a first mode (fig. 3, label 350; col. 8, lines 13-15) the first graphics system being further configured to reference a first type of window using a window handle associated with an instance of the first type of window (fig. 3,

label 340; col. 7, lines 60-64); a second graphics system configured to render windows in a second mode (fig. 3, label 380; col. 8, lines 24-26), the second graphics system being further configured to reference a second type of window without a need of using any window (fig. 3, label 340; col. 7, lines 60-64, that if the window is redirected it will not utilize the same window handle as depicted for the first window, to ensure the window is redirected); and an interoperability component configured to cause a dummy window handle to be created for an instance of a window of the second type, wherein a null device context is associated with the dummy window handle to facilitate a lookup of the second type of window, wherein any drawing done to null device context is lost (fig. 3, label 320; col. 6, lines 61-65; col. 7, lines 33-41 ; col. 6, lines 14-15; col. 8, lines 52-58, that using "MICROSOFT WINDOWS" to create window "CreateWindowEX 0", using known "Microsoft Component Object Model (COM) to call functions "Microsoft Windows GetDCoO" with a NULL window handle as a parameters and "CreateCompatibleBitnap()" to create a dummy (blank) Window bitmap in memory, which is compatible with (e.g., has the same color depth as) the screen device context and to call "ViewObject2::Draw () to draw (perform) a graphics related action to enhance. Null device context (a place holder to look up the graphic visual of an element (e.g. window). (col.6, lines 61-67; col.7, lines 1-13); When, how and/or where drawing is lost is not explained in the specification, thus when the style bit is written to a different value the value before the new value is lost, in such the style bit will be lost and drawing to it is lost).

As claim 2, Gershony further teaches an application program including a first window and a second window (col. 1, lines 34-37), the first window being of the first type and the second window being of the second type (col. 2, lines 47-49).

As claim 6, Gershony further teaches the second graphics system is configured to create a mapping from the dummy window handle to a node in an internal construct used by the second graphics system to manage windows of the second type (fig. 2, label 250; col. 6, lines 67; col. 7, lines 1-12).

As claim 8, Gershony further teaches the second graphics system is further configured to create a render target for receiving rendered window content (col. 6, lines 61-67; col. 7, lines 1-13).

As claim 9, Gershony further teaches the render target resides in system memory (fig. 1, label 22; col. 6, lines 61-67).

As claim 10, Gershony further teaches the render target resides in video memory (fig. 1, labels 22, 47 and 48; col. 6, lines 61-67; col. 7, line, that there must be video

memory as described as known before and image (target) can be sent to the display monitor, it must be buffered to an area of video memory).

As claim 11, Gershony further teaches the render target records rendering commands generated for windows of the second type and that are played back during composition to generate display output (col. 6, lines 61-67; col. 7, lines 1-13; col. 8, lines 13-29, that by applying the special effects to the window the final result will be displayed (played back)).

As claim 12, Gershony teaches a tangible computer-readable storage medium (fig. 1, label 32) having computer executable components (col. 4, lines 65-67; col. 5, lines 1-2) for enabling interoperability between two graphics technologies (col. 2, lines 44-55), comprising: a first graphics system that comprises an immediate mode graphics technology; a second graphics system that comprise a compositional mode graphics technology (figure 3, col. 7, lines 33-59) an interoperability component that interfaces with an application program (col. 2, line 67; col. 3, lines 1-4), the application program including a first window and a second window (col. 1, lines 34-37), the first window being compatible with the first graphics system that uses window handles to reference windows (fig. 3, labels 340 and 350; col. 7, lines 60-64; col. 8, lines 13-15), the second window being compatible with a second graphics system that does not rely on the window handles (fig. 3, label 340; col. 7, lines 60-64, that if the window is redirected it

will not utilize the same window handle as depicted for the first window, to ensure the window is redirected); and a mock window handle associated with the second window, the mock window handle to indicate that the second window is compatible with the second graphics system, wherein a null device context is associated with the dummy window handle to facilitate a lookup of the second type of window, wherein any drawing done to null device context is lost (fig. 3, label 320; col. 6, lines 61-65; col. 7, lines 33-41; col. 6, lines 14-15; col. 8, lines 52-58, that using "MICROSOFT WINDOWS" to create window "CreateWindowEX 0", using known "Microsoft Component Object Model (COM) to call functions "Microsoft Windows GetDCo()" with a NULL window handle as a parameter and "CreateCompatibleBitmap0" to create a dummy (blank/mock) Window bitmap in memory, which is compatible with (e.g., has the same color depth as) the screen device context and to call "ViewObject2::Draw () to draw (perform) a graphics related action to enhance). Null device context (a place holder to look up the graphic visual of an element (e.g. window). (col.6, lines 61-67; col.7, lines 1-13); When, how and/or where drawing is lost is not explained in the specification, thus when the style bit is written to a different value the value before the new value is lost, in such the style bit will be lost and drawing to it is lost).

As claim 13, Gershony further teaches a mapping, maintained by the second graphics system, from the mock window handle to a node in an internal construct used by the second graphics system to manage the second window (col. 9, lines 45-51, that

a data structure will contain mapping linking the mock window handle to the node and is a key module to managing the display of windows).

As claim 15, Gershony further teaches the second graphics system is further configured to create a render target for receiving rendered window content (col. 6, lines 61-67; col. 7, lines 1-13).

As claim 16, Gershony further teaches the render target comprises a software • render target (fig. 1, label 22; col. 6, lines 61-67; col. 7, line 1).

As claim 17, Gershony further teaches the render target comprises a hardware render target (fig. 1, labels 22, 47 and 48; col. 6, lines 61-67; col. 7, line, that there must be video memory as described as known better and image (target) can be sent to the display monitor, it must be buffered to an area of video memory).

As claim 18, Gershony further teaches the render target records rendering commands generated for the second window and that are played back during composition to generate display output (col. 6, lines 61-67; col. 7, lines 1-13; col. 8, lines

13-29, that by applying the special effects to the window the final result will be displayed (played back)).

As claim 19, Gershony further teaches the mock window handle is associated with a device context associated with the second window (col. 2, lines 11-16).

As claim 20, Gershony further teaches the device context comprises a null device context (col. 8, lines 51-53, lines 66-67; col. 9, lines 1-8, that if the function fails, the return value is null, indicating an error or an invalid HWND parameter).

As claim 21 (Currently Amended), Gershony teaches a computer-implemented method (fig. 1, labels 36, 37) for enabling interoperability between two graphics technologies (col. 2, lines 44-55), comprising: receiving a request to create a new window (col. 2; lines 11-16); determining if the new window is of a type associated with an alternative graphics system that does not require the use of a window handle (fig. 3, label 340; col. 7, lines 62-64); if so, creating a dummy window handle for the new window to facilitate interoperability with a conventional graphics system, wherein a null device context is associated with the dummy window handle to facilitate a lookup of the second type of window, wherein any drawing done to null device context is lost (fig. 3, label 320; col. 6, lines 61-65; col. 7, lines 33-41; col. 6, lines 14, 15; col. 8, lines 52-58,

that using "MICROSOFT WINDOWS" to create window "CreateWindowEX ()", after that using known "Microsoft Component Object Model (COM) to call functions "Microsoft Windows GetDCo()" with a NULL window handle as a parameter to create a blank (dummy) window bitmap in memory); creating a new visual to be created in connection with the new window, the visual being a construct associated with the alternative graphics system (col. 8, lines 26-34; calling function "CreateCompatibleBitmap()" to make a dummy (blank) Window bitmap in memory, which is compatible with (e.g., has the same color depth as) the screen device context and calling "ViewObject2::Draw () to draw (perform) a graphics related action to enhance); and associating the dummy window handle with the new visual (fig. 3, label 340; col. 7, lines 60-64, that if the window is redirected it will not utilize the same window handle as depicted for the first window, to ensure the window is redirected). Null device context (a place holder to look up the graphic visual of an element (e.g. window). (col.6, lines 61-67; col.7, lines 1-13); When, how and/or where drawing is lost is not explained in the specification, thus when the style bit is written to a different value the value before the new value is lost, in such the style bit will be lost and drawing to it is lost).

As claim 22 (Currently Amended), Gershony further teaches if the new window is not of the type associated with the alternative graphics system, rendering the window in accordance with a the conventional graphics system (fig. 3, labels 350, 360, 370; col. 8, lines 13-19).

As claim 23 (Currently Amended), Gershony further teaches receiving an instruction to render display content to the new window referenced by the dummy window handle (col. 3, lines 8-12), looking up the new visual based on the association between the dummy window handle and the new visual (col. 8, lines 43-45, that applying visual effects, is only accomplished by reading/referencing the window handles), and rendering the display content to the new visual (fig. 3, labels 350, 360, 370).

As claim 24, Gershony further teaches rendering the display content to the new visual (fig. 3, labels 350, 360, 370) further comprises issuing rendering commands to a render target associated with the new visual (col. 3, lines 8-12).

As claim 25, Gershony further teaches the render target comprises a software render target (fig. 1, label 22; col. 6, lines 61-67; col. 7, line 1).

As claim 26, Gershony further teaches the render target comprises a hardware render target (fig. 1, labels 22, 47 and 48; col. 6, lines 61-67; col. 7, line 1, that there must be video memory as described as known before and image (target) can be sent to the display monitor, it must be buffered to an area of video memory).

As claim 27, Gershony further teaches the render target records rendering commands generated for the new window that are played back during composition to generate display output (col. 6, lines 61-67; col. 7, lines 1-13; col. 8, lines 13-29, that by applying the special effects to the window the final result will be displayed (played back)).

As claim 28, Gershony further teaches a computer-readable medium encoded with computer-executable instructions for performing the method of claim 21 (fig. 1, label 36; col. 5, lines 3-7).

As claim 29, Gershony further teaches the system recited in claim 2, wherein the first mode comprises a compositional mode of graphics technology (figure 3, col.7, lines 33-59).

As claim 30, Gershony further teaches the system recited in claim 2, wherein the second mode comprises an immediate mode of graphics technology (figure 3, col.7, lines 33-59).

As claim 31, Gershony further teaches the system recited in claim 6, wherein the internal construct comprises a visual tree, and the node comprises a visual (col.8, lines 34-41; child and parent relationship make up a hierarchy of windows (z-order; layering) col.1, lines 45-51).

As claim 32, Gershony further teaches the computer-readable medium recited in claim 13, wherein the internal construct comprises a visual tree, and the node comprises a visual (z-order; layering) col.1, lines 45-51).

(Note:) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments filed 01/24/2008 have been fully considered but they are not persuasive.

A1. Applicant argues that Gershony does not teach a null device context is associated with the dummy window handle to facilitate a lookup of the second type of window, wherein any drawing done to the null device context is lost.

R1. Examiner does not agree.

As defined in the specification a null device context is only a place holder that can be used to lookup a visual (par.27 of spec.). A device context is a structure that defines a set of graphic objects and their associated attributes, as well as the graphic

modes that affect output. Gershony describes a place holder that is used as a lookup that depicts how a window is rendered to the screen (visual), thus Gershony teaches a null device context (a place holder to look up the graphic visual of an element (e.g. window). (col.6, lines 61-67; col.7, lines 1-13). Drawing to the null device context is lost, since they null device context is set throughout the system operation, the specification does not clearly disclose when, how and/or where the drawing to the null device context is lost (the style bit is set over and over again throughout the use of the system to render different effects of graphical user interface elements, thus any drawing to it will be lost since it would be re-written over and over again when a new command is request to render an new effect for a graphical user interface element throughout use of the system; col.7, lines 18-59). Thus Gershony does in fact teach the same functionality, using different terminology, a null device context is associated with the dummy window handle to facilitate a lookup of the second type of window, wherein any drawing done to the null device context is lost.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/
Examiner
Art Unit 2179
2008

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